IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 16920 of 2007(L)

PETITIONER:

THEKKEN THODY VELU, S/O. CHOZHY,
P.O.EDAYOOR NORTH, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. TIRUR CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD. NO.M.11, REPRESENTED BY ITS MANAGER, TIRUR, MALAPPURAM DISTRICT.

2. THE SPECIAL SALE OFFICER,
TIRUR CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD., NO.M.11, TIRUR, MALAPPURAM DISTRICT.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, MALAPPURAM.

BY ADV. SRI.V.G.ARUN,SC,TIRUR CO.OP.AGRL.& RURA
BY GOVT. PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.16920 of 2007

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Dated this the 27th day of June, 2007

JUDGMENT

Petitioner availed a loan from the respondent Bank. It was not repaid and property was brought to sale. Bank purchased it . Sale was confirmed. Petitioner's son had also availed a loan. He also did not repay the amount. Coercive steps were taken, sale was conducted in favour of the Bank and that was also confirmed. Petitioner has approached this court earlier. By Ext.P7 judgment this court directed Ext.P5 to be considered. By Ext.P9 8th decision is communicated to the petitioner. General Body resolved to determine the amounts payable by the son of the petitioner also. The Managing Committee has to decide the other conditions.

2. According to learned counsel for the petitioner, petitioner is entitled to get the property back upon payment of the amount due from the petitioner. Apparently the General Body has decided to determine the amount payable not only by the petitioner but also his son. Learned

counsel for the petitioner Sri.P.Chandrasekhar submits that the petitioner is prepared to pay off the entire amount due from him and also the amount remaining to be paid by the petitioner's son, if any. He will submit that when the petitioner makes such payments, the property should be conveyed to him and the son's property also should be conveyed to him.

3. Learned counsel for the Bank Sri.V.G.Arun would point out that having regard to the terms of the resolution the matter is yet to be decided by the Managing Committee and the writ petition itself is premature. He also submits that the Managing Committee will take a decision within one month from today.

In such circumstances, in view the fact that a decision is yet to be taken by the Managing Committee, the writ petition is disposed of recording the stand taken by the petitioner and leaving open the right of the petitioner to ventilate his grievances depending upon the final decision to be taken by the Managing Committee. There will also be a direction to the first respondent not to alienate the property of the

petitioner and his son, which was purchased by the Bank, till a decision is taken.

(K.M. JOSEPH, JUDGE)

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